

REMARKS

Claim Rejections under 35 U.S.C. § 103.

Claims 1-12 and 18-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,932,859 to Ijichi (“Ijichi”) in view of U.S. Pat. No. 5,870,720 to Chusid (“Chusid”).

An invention is unpatentable under 35 U.S.C. § 103(a) (“Section 103”) “if the differences between the subject matter sought to be patented over the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.”

To establish a *prima facie* case of obviousness, three criteria must be met. “First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142.

A “clear and particular” showing of the suggestion to combine or modify is required to support an obviousness rejection under Section 103. *Id.* For the reasons set forth below, Applicant submits that the prior art fails both to teach or suggest all the claim limitations, and to clearly and particularly suggest the combination indicated by the Examiner; thus, Applicant’s claims are not obvious in view of the prior art references.

Ijichi teaches an electronic-money collecting system capable of returning a lost IC card used as an electronic purse to the owner of the lost IC card or an institution issuing the lost IC card with a high degree of efficiency without imposing a burden on the lost-IC card finder or the institution issuing the IC card. In order to increase the rate of collection of lost IC cards, a lost-

IC card finder is given reward money which is set in accordance with the amount of money recorded in a found IC card. (See Ijichi Abstract).

Chusid teaches a method for restructuring an excessive underlying mortgage in excess of its current market value so that the value of the restructured underlying mortgage and the property to which it attaches exceeds the values prior to the restructuring. (See Chusid Abstract).

Applicant's independent claims 1, 18 and 20 recite "receiving a request to collect on an unpaid debt." This claim limitation is neither disclosed nor suggested by any cited reference.

Indeed, Ijichi is directed to a method for encouraging a person who, in good faith, finds a lost IC card to return it. Although Ijichi allows an institution or rightful owner of a lost IC card to collect money corresponding to the money data provided on the card, such collection does not correspond to an outstanding debt; rather, such collection is solely directed to an amount of money positively available and recorded on the card. Further, such amount of money may only be collected by the party from which it originated and may not be transferred to any third party creditor or party with rights other than those of original ownership. In this manner, Ijichi teaches away from the present invention. Indeed, Ijichi emphasizes preservation of existing funds and transfer of such funds to their rightful owner, rather than recoupment of a debt by a creditor. Ijichi neither mentions nor suggests any application of the invention to the field of debt collection, and further fails to teach or suggest receiving a request to collect on an unpaid debt, thus rendering the present invention non-obvious in view thereof.

Chusid also fails to teach or suggest receiving a request to collect on an unpaid debt. Rather, Chusid is directed to restructuring an excessive underlying mortgage in excess of its current market value. The object of such restructuring is to benefit the debtor, not the creditor.

Accordingly, Chusid is directed to debt reduction rather than debt collection and in no way discloses or suggests receiving a request to collect on an unpaid debt.

As neither cited reference, considered individually or collectively, discloses or suggests debt collection for the benefit of third party creditors, and particularly fails to disclose or suggest receiving a request to collect on an unpaid debt, the present invention is not rendered obvious by such references.

Applicant's independent claims 1 and 20 further recite a reward that "includes a non-monetary incentive." This claim limitation is also neither disclosed nor suggested by any cited reference.

Ijichi teaches that "reward money is given to a finder of a lost IC card [and] subtracted from the original amount retrieved from the lost IC card." (See col. 2, ln. 22-23, 41-42). Chusid fails to disclose or suggest any reward system or incentive whatsoever. The cited references, considered individually and collectively, thus fail to render obvious the present invention.

Finally, Applicant's independent claims 1 and 18 recite providing a debt collection service or performing debt collection procedures to collect at least a portion of the unpaid debt. No cited reference discloses or suggests this claim limitation.

Indeed, both Ijichi and Chusid fail to disclose or suggest debt collection at all. Rather, Ijichi is directed to incentivizing the return of a lost IC card to its owner by rewarding a good faith finder, while Chusid teaches debt reduction rather than debt collection. Although Chusid discloses printing an amortization collection and payment schedule for each shareholder at step 210, such disclosure does not teach or suggest a method for encouraging debt collection, or particularly providing a debt collection service as claimed by the present invention. Rather, the

amortization collection and payment schedule of Chusid merely organizes the results of the method of debt reduction taught therein. Such schedule in no way facilitates actual collection of the debt, nor constitutes a debt collection service or procedure, as claimed by the present application.

Claims 2-10, 12, 19 and 21-23 add further limitations to otherwise allowable subject matter and are thus also not rendered obvious by the cited references.

In light of the foregoing, Applicant respectfully submits that the inability of the cited references to produce Applicant's invention and the lack of any suggestion or motivation to modify such art as suggested by the Examiner renders the present invention non-obvious in view of such references. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1-12 and 18-23 under Section 103.

Conclusion


Based on the foregoing, Applicant believes that the claims of the present invention are in condition for allowance and respectfully requests the same.

Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to initiate a telephone interview with undersigned counsel.

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Respectfully submitted,

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